

RESOLUTION NUMBER R-271533

ADOPTED ON JULY 27, 1988

WHEREAS, Council Resolution No. R-269812, dated November 23, 1987, established a City Charter Review Committee which was thereafter re-titled "San Diego Charter Review Commission - '88" [herein called "Commission"]; and

WHEREAS, the Commission was established for the sole and exclusive purpose of reviewing the current City Charter and recommending amendments and revisions, if any, to the City Council for appropriate action; and

WHEREAS, the Chairman of the Commission submitted a report to the Mayor and Council dated June 14, 1988, reporting a Commission recommended ballot proposal, both attached hereto as Attachment "A," to create a Police Review Commission; and

WHEREAS, the Council reviewed the recommendation of the Commission on July 25, 1988 and pursuant to the requirements of the Meyers-Miliias-Brown Act (California Government Code sections 3500, et seq.), as set forth in People ex rel. Seal Beach Police Officers Association et al. v. City of Seal Beach, 36 Cal.3d 591 (1984), directed the City's Management Team to meet and confer on the matter with the San Diego Police Officers' Association; and

WHEREAS, after said meet and confer process resulted in an impasse, the Council conducted an impasse hearing on July 27, 1988 and accepted the Commission's recommendation by a 6-3 vote

for placement on the November 1988 ballot with the condition that if the ballot measure should be approved by the voters and prevail, it would not be effective until July 1989; and

WHEREAS, it was also proposed at that time, and approved by Council by a 5-4 vote that an alternate ballot proposal be placed on the November 1988 ballot in the matter of establishing a Citizens' Complaint Evaluation Board, also with a July 1989 effective date, as more fully set forth in Attachment "B" hereto; and

WHEREAS, it was further recommended by Council and approved by a 5-3-1 vote that the fiscal impact for both proposals be printed on the ballot; and

WHEREAS, it was further recommended by Council and approved by a 5-4 vote that the City Clerk draw from a hat to decide the order of the alternate propositions on the ballot; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the City Attorney be and he is hereby directed to take such action as is appropriate to place on the November 1988 ballot an amendment to the City Charter creating a Police Review Commission, as more fully set forth in Attachment "A" hereto, to be effective July 1, 1989, by preparing the election ordinance accordingly. (Council approved 6-3.)

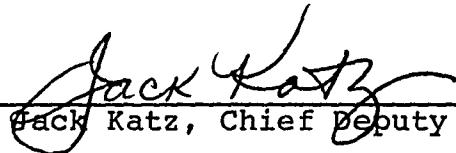
2. That the City Attorney be and he is hereby directed to take such action as is appropriate to place on the November 1988 ballot an alternative proposal to amend the City Charter, as more fully set forth in Attachment "B" hereto, to be effective July 1, 1989, by preparing the election ordinance accordingly. (Council approved 5-4.)

3. That the City Manager shall calculate and cause the fiscal impact of both ballot proposals recited above to be printed on the ballot. (Council approved 5-3; 1 absent.)

4. That the City Clerk be and he is hereby directed to draw by lot from a hat to decide the order of the two propositions on the ballot. (Council approved 5-4.)

APPROVED: JOHN W. WITT, City Attorney

By

  
Jack Katz, Chief Deputy

JK:smm  
07/20/88  
08/01/88 REV. 1  
Or.Dept:Atty  
R-89-163  
Form=r.none

CITY OF SAN DIEGO  
CHARTER REVIEW COMMISSION -

B STREET • SUITE 306 • SAN DIEGO, CALIF. • 92101 • 4228  
CITY M.S. 830 • 1619 • 236-7076



Edward T. Butler  
Chairman

Commissioners

David J. Dorne  
Neil Good  
Marina P. Grant  
Scott Harvey  
Jim Johnston  
Arthur E. Madrid  
James S. Milch  
Rachael Ortiz  
Ronald L. Ottinger  
Lillian Lim Quon  
Jeanette Roache  
Ken Seaton-Msemaji  
John Wertz  
Sam L. Wilhite

June 14, 1988

The Honorable Mayor and City Council  
The City of San Diego  
202 "C" Street  
San Diego, CA 92101

Dear Mayor and Councilmembers:

Robert S. Teaze  
Chief Counsel

Phil Acker  
Executive Director

At its meeting last night, the Charter Review Commission approved for placement on the November 1988 ballot the attached Charter amendment which would create a Police Review Commission.

This action was taken after eight meetings during which citizens representing widely varying points of view were heard. Several workshops were conducted and the pros and cons of putting the matter before the electorate was thoroughly discussed. The final language of the amendment was approved only after the most vigorous debate.

ATTACHMENT A

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The Commission forwards the amendment to the Council with copies to the City Manager and City Attorney at this time so that all necessary action can be immediately taken to meet the various deadlines for the November 1988 ballot.

Respectfully submitted,



Ed Butler  
Chairman

EB/maf

R- 271533

SECTION 57.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the

**ATTACHMENT "A"**  
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Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

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**SEC. 43 ADVISORY BOARDS AND COMMITTEES**

No changes in subsection (a), (b) and (c).

(d) Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' complaint evaluation board to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

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**ATTACHMENT B**



JUL 27 1988

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Hold Impasse Hearing and declare an Impasse:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JUL 27 1988

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Accept Charter Review's Recommendation to place on the ballot effective 7/89:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

*Ina M. Martin*

By....., Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-271533* Adopted JUL 27 1988

JUL 27 1988

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Have Fiscal Impact for both proposals printed on ballot:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed and adopted by the Council of The City of San Diego on..... JUL 27 1988  
by the following vote:

Have alternative proposition placed on the ballot as well:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Jena M. Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-271533* Adopted JUL 27 1988

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JUL 27 1988

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Direct the City Clerk to draw from a hat for ballot order:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Jana M. Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-271533* Adopted *JUL 27 1988*